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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,401	08/02/2001	Jitsuhiko Ando	CU-2612	6417

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EXAMINER

RUDOLPH, VINCENT M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,401	ANDO ET AL.	
	Examiner	Art Unit	
	Vincent M. Rudolph	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11, and 20-30 is/are rejected.
- 7) ☒ Claim(s) 4-8, 12-19, and 31-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/24/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 4-8, 12-19, and 31-34 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot properly depend on another multi-dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claims 1, 9, 14-17, 20-21, 23-24, and 32 are objected to because of the following informalities: grammatical errors such as misspelling and improper sentence structure. Claim 1, Line 15 and 19 uses the phrase "an printed". Claim 9, Line 6 uses "an printing" and Line 7 uses "an printed". Claim 14, Lines 5-6 has the phrase "a the door". Claim 15, Line 10 uses the phrase "the each". Claim 16, Line 21 and 25 uses the phrase "an printed". Claim 17, Line 6 uses the word "stoker". Claims 20-21 and 23-24 uses the phrase "a imaging". Claim 21, Line 7 has the phrase "a output". Claim 24, Line 5 has the phrase "a image". Finally, Claim 32, Line 20 has the phrase "a information". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook ('655).

In regards to claim 1, Cook ('655) discloses having a kiosk with a main body that accepts various inputting means, such as processing negative film, a scanner, storage media, and a digital camera (See Fig. 1, Device 118; Col. 6, Line 28-Col. 7, Line 7), monitor with touch screen ability that displays and allows the customer to choose the specific digital images outputted in several different forms, and also allows the image to be edited (See Fig. 1; Col. 4, Line 15-24), the ability to output the images back onto the storage media (See Fig. 1, Col. 9, Line 11-19), or print the images either instantaneously at the kiosk (See Col. 8, Line 41-44), or in-the backyard printing case, printed near the cashier's register (See Col. 8, Line 45-46) or ordering the prints at the kiosk and ship them to the customer (See Col. 9, Line 6-10).

In regards to claim 2, Cook ('655) discloses using a scanner to input various forms of images directly at the kiosk to produce the digital image (See Figure 1, Device 118b; Col. 6, Line 39-42).

In regards to claim 3, Cook ('655) discloses using other forms for inputting images, such as an undeveloped film scanner, signal input for devices such as a digital camera, a storage media reader such as a CD, DVD, flash drive, and a floppy drive, as well as accessing images using the Internet from a communications network (See Figure 1, Device 118; Col. 6, Line 61-Col. 7, Line 2).

In regards to claim 9, Cook ('655) discloses various ways to obtain the input data from the kiosk, such as a storage device, a scanner, a digital camera, negative undeveloped film and also from an Internet web site that allows the customer to access the images from an archive or from a different film processing system (See Fig. 1, Device 118; Col. 6, Line 28-Col. 7, Line 7), a request to input the data by using a touch screen monitor that allows the customer to customize the images to one's preference (See Fig. 1; Col. 4, Line 15-24), then if the images are ready to print and the customer does not want to have them printed instantaneously, the images can either be temporarily stored on the kiosk for a limited time period (See Col. 7, Line 55-Col. 8, Line 7) or printed and stored at an area controlled by the cashier (See Col. 8, Line 39-46), and the kiosk also issues a receipt that has a unique bar code which allows the customer to pay and receive the printed images at a given time (See Col. 5, Line 25-37).

In regards to claim 10, as seen in Figure 1, Devices 118 and Col. 6, Line 28-Col. 7, Line 18, Cook ('655) discloses the kiosk being able to input the images in many ways, such as undeveloped film, a scanner, an input signal such as a digital camera, video recorder, laptop computer, serial, parallel, and universal serial bus (USB) connection, a storage media such as a floppy disk, CD, DVD, and any other storage media, or by accessing the images using the Internet.

In regards to claim 11, Cook ('655) discloses the kiosk being able to input the image and edit, enhance, or correct it properly before it cab be outputted (See Figure 1, Device 116; Col. 7, Line 19-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) taken in view of Nardozzi ('837) and Vance ('874).

Regarding claim 20, Cook ('655) discloses a kiosk, which is a self-service film processing system with a touch screen monitor (See Fig. 1; Col. 4, Line 15-24), and is able to accept various inputs such as a digital camera (See Fig. 1, Device 118; Col. 6, Line 45-49) and output it in several different forms, one being a printer located in the kiosk (See Fig. 1, Device 124c; Col. 8, Line 43-44).

Cook ('655) fails to show an overview image of the kiosk for the exact location of everything describe and also fails to point out if the monitor has the ability to be adjusted in height and tilt angle.

Nardozzi ('837) provides a figure of a kiosk that shows a monitor located at the upper side of the main body and displays information such as images and the like on the touch screen to help the customer complete the order with the various input devices located directly to the right of it (See Fig. 1 and Fig. 5A-5G).

Vance ('874) describes having a monitor that adjusts to the height of the user's eyes, either automatically by use of a camera, or manually (See Fig. 3; Col. 2, Line 34-42).

It would have been obvious to one of ordinary skill in this art at the time of the invention by applicant to have the kiosk constructed similarly to the one suggested by Nardozzi ('837) and being more user-friendly such as having the monitor being located at the upper side of the main body and also adjustable such as the one suggested by Vance ('874) that provide users with different heights a better and more helpful viewing experience.

Thus, claims 20 is properly rejected under 35 U.S.C. 103(a).

Claims 21-22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) taken in view Minamishin ('468).

Regarding claims 21-22, Cook ('655) discloses a kiosk that has the ability to print out digital images at the machine itself from various inlet port connections and storage media, such as a CD or DVD-ROM and also has an open/close cover to insert the media so the user can input the images, edit, and output them (See Col. 6, Line 45-Col. 7, Line 2).

Cook ('655) fails to describe an outlet port with an automatic open/close cover to retrieve the printed images whenever the user wants them printed instantaneously.

Minamishin ('468) discloses an ATM having a gate port to disperse money whenever a user wants to retrieve a certain amount (See Fig. 1; Col. 5, Line 11-16), and also has an operating mechanism for closing the gate port after the money is removed (See Fig. 1; Col. 6, Line 8-14).

It would have been obvious to one of ordinary skill in this art at the time of the invention by applicant to have applied an automatic open/close cover such as the one suggested by Minamishin ('468) added to the kiosk of Cook ('655) if a payment method was done at the kiosk and the instantaneous printing was chosen, the printed images cannot be removed until task is completed to prevent anyone from removing them without the customer's knowledge.

Thus, claims 21-22 are properly rejected under 35 U.S.C. 103(a).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) in view of Nardoizzi ('837), Vance ('874), and Minamishin ('468).

Regarding claim 23, Cook ('655) discloses a kiosk, which is a self-service film processing system with a touch screen monitor (See Fig. 1; Col. 4, Line 15-24), and is able to accept various inputs such as a digital camera, other inlet ports connections, and storage media such as a CD or DVD-ROM which have an open/close cover to insert the media (See Fig.1, Device 118; Col. 6, Line 45-Col. 7, Line 2) so the user can input the images on the touch screen monitor, which displays image and character information to help choose anyone to edit (See Col. 4, Line 3-7), and finally output it in several different forms, one being a printer located in the kiosk (See Fig.1, Device 124c; Col. 8, Line 43-44).

Cook ('655) fails to show an overview image of the kiosk for the exact location of everything describe, also does not disclose an outlet port with an automatic open/close cover to retrieve the images, and fails to point out if the monitor has the ability to be adjusted in height and tilt angle.

Nardozzi ('837) provides a figure of a kiosk that shows a monitor located at the upper side of the main body and displays information such as images and the like on the touch screen to help the customer complete the order with various input devices located directly to the right of the display monitor (See Fig. 1 and Fig. 5A-5G).

Vance ('874) describes having a monitor that adjusts to the height of the user's eyes, either automatically by use of a camera, or manually (See Fig. 3; Col. 2, Line 34-42).

Minamishin ('468) discloses an ATM having a gate port to disperse money whenever a user wants to retrieve a certain amount (See Fig. 1; Col. 5, Line 11-16), and also has an operating mechanism for closing the gate port after the money is removed (See Fig. 1; Col. 6, Line 8-14).

It would have been obvious to one of ordinary skill in this art at the time of the invention by applicant to have the kiosk constructed similarly to what was described by Nardozzi ('837) with a monitor that is more user friendly and adjustable to the person's height such as the one described by Vance ('874), and added an automatic open/close cover for the printed images such as the one described by Minimishin ('468) to prevent anyone stealing the printed images at the kiosk while someone is still there.

Thus, claim 23 is properly rejected under 35 U.S.C. 103(a).

Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) in view of Morba ('033).

Regarding claims 24 and 26-27, Cook ('655) discloses a kiosk being able to input an image from various sources, such as a digital camera (See Fig. 1, Device 118; Col. 6, Line 45-49), print it out onto the printer located within the kiosk (See Fig. 1, Device 124c; Col. 8, Line 43-44), and also have the user adjust and edit the selected digital image on the touch screen monitor before it is outputted (See Col. 4, Line 3-7). Cook ('655) discloses a method for cropping an image (See Col. 7, Line 20-25), but does not describe a way to align that image proportionally within the frame. It well known within the art that whenever an image is being cropped, the user has a box to select a region to keep, then the remaining image can be realigned to the user's specification.

Cook ('655) fails to disclose a printer within the kiosk being able to adjust the edited image in proportion to the pre-cut paper before printing, calculate the adjusting image to the specific dimensions requested by the user which the edited image is printed onto, and provide a detection mark to pre-cut the paper before the image is printed.

Morba ('033) describes a printing system that lets the user choose the desired dimensions of the image into any given size by using a cutting mechanism (See Fig. 1, Device 25; Col. 3, Line 48-49), and also uses a Micro Light Valve Array digital printer to scan a light containing the image data from the pre-cut sheets (See Col. 3, Line 57-67).

It would have been obvious to one of ordinary skill in this art at the time of the invention by applicant to have the kiosk of Cook ('655) attach a cutting mechanism like the apparatus described by Morba ('033) and allow a user an opportunity to customize the size of any image by specifying the particular dimensions before editing and printing out the image.

In regards to claim 25, Cook ('655) discloses a software program within the kiosk so the user can be given a chance to edit the image before it is outputted to the printer (See Col. 7, Line 19-22).

Thus, claims 24-27 are properly rejected under 35 U.S.C. 103(a).

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) in view of Nardozzi ('837).

Regarding claims 28-30, Cook ('655) discloses a kiosk having a touch screen monitor for user requests (See Col. 4, Line 22-24), a media reading part, such as a digital camera, various storage disks, and serial connections, to input the data (See Fig. 1, Device 118; Col. 6, Line 45-Col. 7, Line 2), which have image and character information on the display monitor to help select the specific image to edit (See Col. 4, Line 3-11) and output it in several different forms, such as a printer located in the kiosk (See Fig. 1, Device 124c; Col. 8, Line 43-44).

Cook ('655) fails to detail or visualize the exact location of everything on the kiosk, such as how and where the monitor and media reading part are both setup and located.

Nardozzi ('837) provides a figure of a kiosk that shows a monitor located at the upper side of the main body that displays image and character information on the touch screen to help the customer complete the order, and a media reading part located to the right of the display monitor, with various inputs located at the top and lower side of the top board (See Fig. 1 and Fig. 5A-5G).

It would have been obvious to one of ordinary skill in this art at the time of the invention by applicant to have the kiosk of Cook ('655) setup similarly to what was described by Nardozzi ('837) so the locations of the monitor and media reading part being level with the user.

Thus, claims 28-30 are properly rejected under 35 U.S.C. 103(a).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are made of record: Klees ('936), Manico ('551), Mueller ('509), and Keskin ('277).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on 8 A.M. – 4:30 P.M. Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent M Rudolph
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